

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | |
|---|----------------------------------|
| GUADALUPE LUNA, individually and as) | |
| Independent Administrator for the Estate of) | |
| Leonor Balcazar, Deceased,) | |
|) | |
| Plaintiff,) | |
|) | |
| v.) | No. 17 C 1916 |
|) | |
| ADVOCATE HEALTH and HOSPITALS) | Judge |
| CORPORATION d/b/a Trinity Hospital, and) | |
| MISCHAEL J. ESCOTO, D.O.,) | (Formerly Case No. 2015 L 002941 |
|) | Circuit Court of Cook County) |
| Defendants,) | |
|) | |
| NIKIE PARIKH, M.D.,) | |
|) | |
| Respondent.) | |

NOTICE OF REMOVAL OF A CIVIL ACTION

Respondent Nikie Parikh, M.D., former physician for a health clinic funded by the Department of Health and Human Services, by Zachary T. Fardon, United States Attorney for the Northern District of Illinois, petitions the court as follows:

1. Sometime before March 9, 2017, defendants filed an emergency motion to compel respondent's subpoenaed testimony at trial in the above-named case. On March 9, 2017, without prior notice to the United States, the state court judge granted that motion.

2. Respondent's testimony is sought in a civil action now pending in the Circuit Court of Cook County, Illinois, entitled *Luna v. Advocate Trinity Hospital, et al.*, No. 15 L 2941, and the testimony sought relates solely to her federal employment at a federally funded health clinic. A copy of the order is attached as Exhibit A.

3. Pursuant to 28 U.S.C. § 1442(a), state subpoena enforcement proceedings commenced against any officer of the United States in a state court may be removed to the district court for the district and division embracing the place where the state court action is pending. *See Edwards v. U.S. Dept. of Justice*, 43 F.3d 312, 317 (7th Cir. 1994).

WHEREFORE, this action now pending in the Circuit Court Cook County, Illinois, is properly removed to this court pursuant to 28 U.S.C. § 1442(a).

Respectfully submitted,

ZACHARY T. FARDON
United States Attorney

By: s/James M. Kuhn Sr.
JAMES M. KUHN SR.
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-1877
james.kuhn@usdoj.gov

Exhibit A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Luna, Guadalupe

v.

No.

15 L 2941Advocate Trinity Hospital, et al.

ORDER

This matter coming to be heard on Defendants' Emergency Motion to Compel Nikie Parikh, MD, to comply with the trial subpoena, due notice given and the Court being advised, it is hereby ordered:

Defendants' Motion is granted, ruling contained in the written transcript.

Trial subpoena issued to Dr. Parikh remains in effect and is subject to sanctions and further ruling of the trial judge.

Dr. Parikh to appear at trial ^{to testify} on March 23, ~~March~~ March 24, March 27 and March 28, 2017, also subject to ~~the~~ trial schedule set by the trial judge.

Attorney No.: 32517
Name: Lewis & Gellan LLP (LBC)
Atty. for: Defendants
Address: 200 W. Adams Suite 1900
City/State/Zip: Chicago, IL 60606
Telephone: 312-364-2500

ENTERED:

Dated: _____

Assoc. Judge Moira S. Johnson

MAR -9 2017

Circuit Court

Judge _____

Judge No. 1828